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Taro Ishikawa

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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

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KAO, JUTAI

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Continued from Box 11

The applicant presented arguments describing the differences between the cited prior art, Klinker, and the disclosed invention of the current application. However, none of the arguments are directed to the difference between Klinker and the **claimed invention**. Although differences may exist between Klinker's invention and the disclosed invention, the applicant failed to show the difference between Klinker and what had been claimed. For example, the applicant first points out that "the present invention provides means for acquiring a packet...where in the means receive packets arrived at the network interface 1a and forwards the packets for packet analysis, unless the packets do not have to be stored. The means for acquiring a packet is provided for forwarding to or storing the received packets in other components in the apparatus, and does not distribute the packets among NSPs". However, regarding the means for acquiring a packet, the claim only recites "acquiring a packet to be transmitted or received in the communication between said transmitting and receiving terminals. Klinker does show in Fig. 6, as pointed out by the previous office action, that a packet capture 650, placed between bidirectional traffic between the transmitting and receiving terminal, receives captured raw packets. Therefore, Klinker does teach the claimed means for acquiring packets.

The applicant also argues that the claimed step of storing nonconformity information is different from Klinker's invention which stores policy and service level agreement metrics. However, policy and service level agreement metrics does disclose

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nonconformity as anything that violates the policy or agreement is considered to be nonconforming to the policy. The policy control in Klinker's invention also includes a conditional formula regarding the TCP connection information in which Klinker "determine if a flow policy is violated" and performs certain actions accordingly, as shown in the previous action. It is also shown that the "flow" is a TCP flow and the determination of whether the policy is violated is considered a conditional formula. Thus, Klinker does indeed reads on the claim.

The rest of the arguments made by the applicants are also directed to differences between the disclosed invention and Klinker instead of pointing out any differences between Klinker's invention and the claims. Therefore, the arguments are not persuasive, nor relevant to the claims, and the rejections must be maintained.